

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

THOMAS H. SPITTERS,
Plaintiff,
v.
UNKNOWN,
Defendant.

Case No. 15-cv-04902-PJH

**ORDER DENYING REQUEST FOR
CONTINUANCE**

Re: Dkt. No. 35

The court has received a letter from plaintiff Thomas H. Spitters ("plaintiff"), dated May 17, 2016. In the letter, the plaintiff asks the court to "continue legal proceedings until January 2018, or allow ten additional months continuance past the June 16, 2016 required date for filing an amended complaint." Dkt. 35.

The court denies plaintiff's request for a further continuance. Under Federal Rule of Civil Procedure 4(m), plaintiff was required to serve the complaint upon defendants within 120 days of the complaint's filing.¹ Because the complaint was filed on October 23, 2015, the service deadline would have been February 22, 2016. The court has already granted an significant extension of that deadline. An additional ten month delay is simply unwarranted and unreasonable.

As stated in its prior orders, "plaintiff has until **June 16, 2016** to (1) file an amended complaint naming all defendant(s), (2) obtain a summons, and (3) serve a copy

¹ The current version of Rule 4(m) allows only 90 days for service, but because the complaint in this case was filed before the amended rule became effective, the court will give plaintiff 120 days, rather than 90.

1 of the complaint and the summons upon the defendant(s)." See Dkt. 34. If the complaint
2 is not served upon defendants by this date, this case will be dismissed. See Dkt. 31.

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4 **IT IS SO ORDERED.**

5 Dated: May 25, 2016

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8 PHYLLIS J. HAMILTON
9 United States District Judge
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